

§ 2651. Establishment of Department

There shall be at the seat of government an executive department to be known as the Department of State, and a Secretary of State, who shall be the head thereof.

R.S. § 199.

§ 2652. Deputy Secretary of State; Under Secretary of State for Political Affairs; Under Secretary of State for Economic Affairs; Deputy Under Secretary of State; Assistant Secretaries of State

There shall be in the Department of State, in addition to the Secretary of State, a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, a Deputy Under Secretary of State, and eleven Assistant Secretaries of State. May 26, 1949, c. 143, § 1, 63 Stat. 111, amended Feb. 7, 1953, c. 2, 67 Stat. 4; Aug. 5, 1955, c. 576, § 1, 69 Stat. 536; June 30, 1958, Pub.L. 85-477, ch. V, § 502(j) (1), 72 Stat. 274; July 18, 1958, Pub.L. 85-524, § 1, 72 Stat. 363; July 13, 1972, Pub.L. 92-352, Title I, § 103(a) (1), 86 Stat. 490.

§ 2653. Appointment and rank of officers

(a) The Secretary of State and the officers referred to in section 2652 of this title, shall be appointed by the President, by and with the advice and consent of the Senate. The Counselor of the Department of State and the Legal Adviser who are required to be appointed by the President, by and with the advice and consent of the Senate, shall rank equally with the Assistant Secretaries of State. Any such officer holding office at the time the provisions of this Act, as amended, become effective shall not be required to be reappointed by reason of the enactment of this Act, as amended.

(b) Repealed. Pub.L. 92-352, Title I, § 103(a) (2), July 13, 1972, 86 Stat. 490.
May 26, 1949, c. 143, § 2, 63 Stat. 111, amended Aug. 5, 1955, c. 576, § 2, 69 Stat. 536; June 30, 1958, Pub.L. 85-477, ch. V, § 502(j) (2), 72 Stat. 274; July 30, 1959, Pub.L. 86-117, 73 Stat. 265; Aug. 14, 1964, Pub.L. 88-426, Title III, § 305(14), 78 Stat. 424; July 13, 1972, Pub.L. 92-352, Title I, § 103(a) (2), 86 Stat. 490.

§ 2658. Rules and regulations; promulgation by Secretary; delegation of authority

The Secretary of State may promulgate such rules and regulations as may be necessary to carry out the functions now or hereafter vested in the Secretary of State or the Department of State, and he may delegate authority to perform any of such functions, including if he shall so specify the authority successively to redelegate any of such functions, to officers and employees under his direction and supervision.

May 26, 1949, c. 143, § 4, 63 Stat. 111; Aug. 26, 1954, c. 937, Title V, § 544(c), as added July 18, 1956, c. 627, § 11(a), 70 Stat. 563, and amended Aug. 14, 1957, Pub.L. 85-141, § 11(b) (1), 71 Stat. 365.

15 July 1976

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NOTE FOR

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We are in accord with the thrust of your draft letter to Mr. Frey. However, suggest deleting the second sentence of the third paragraph. The logic is somewhat strange in arguing that the Defense position "would unnecessarily impinge" on the President's appointive powers since in the present statute Congress felt fit to "impinge" by requiring that the DCI and the DDCI could not simultaneously be commissioned officers.

The fifth paragraph of the draft letter makes the case without inclusion of the last sentence of paragraph 3.

On page 2 I would change the last two sentences to read:

"Further amendments to the National Security Act and Central Intelligence Act can be addressed later. These will be more appropriate vehicles for providing the Intelligence Community staff with whatever charter may be necessary."

One could argue that the final phrase of the draft bill as regards Section 1, Section 102(a) is grammatically incorrect. It should read:

"Provided, however, that at no time shall the positions of Director and Deputy Director, Agency, be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status."



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